

**From:** Christopher.Caldwell@Interliant.COM@inetgw  
**To:** Microsoft ATR  
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**Subject:** Comments on recent Anti-trust decisions

To: Renata B. Hesse  
Antitrust Division  
U.S. Department of Justice  
601 D Street NW  
Suite 1200  
Washington, DC 20530-0001

Under the Tunney Act, I wish to make the following comments on the proposed Microsoft settlement:

- 1: There has been previous anti-trust decisions against Microsoft with respect to their management of OEM deals forcing hardware dealers to exclude other vendor's products. These decisions had little effect on opening up markets to other vendors.
- 2: Microsoft has continued to act in a manor showing that they completely missed the concepts of Anti-trust, continuing to act in ways that missed the spirit, if not the actual wording of previous judgements against them.
- 3: Microsoft has actively lobbied at all different levels of government to manipulate further decisions by the Department of Justice, rather than to handle the issue directly through lawyers and existing law. Indeed, Microsoft has manipulated the environment in which the DOJ acts with respect to these Anti-trust decisions. The effectiveness of their manipulation (and the quantity of money spent by them) is indeed more evidence of the total power of their monopoly.

As a citizen, I am appalled that such blatantly cynical and money driven manipulation is so obviously being ignored. I wonder how this proposed settlement compares to previous DOJ decisions with other companies in the past. How does this settlement compare to the break-up of the AT&T, etc?

As an engineer watching people forced to use inferior Microsoft products because business demands force them to, I am appalled that the definitions of products, APIs, etc within the settlement are so tightly defined as to make the settlement meaningless one rev of the OS later. It is as if much of the wording was designated by Microsoft lawyers to protect the company from being inhibited by this settlement in the future.

Isn't that what the settlement proposed is supposed to do? Isn't it supposed to prevent Microsoft from abusing United States businesses and economies by preventing future bad acts?

The previous decision to break up Microsoft into two pieces didn't go far enough. Leaving them intact with a management structure that shows every inclination to continue skirting the law and abusing businesses by their pure size is a failure to act in the best interests of the country.

Is there any punitive nature to this settlement? It doesn't appear so. As a result, you are leaving a regime of lawyers and managers in place with every intent on weeding around the exact wording of the proposed settlement.

The effect of this settlement will be to cause Microsoft to hire more lawyers so that they don't violate anything explicitly prohibited in the settlement, but it will not change their actual methods of dealing with the industry in any appreciable fashion.

I believe the DOJ should separate the operating system development team from the applications development team, in addition to separating business and home applications. Indeed, Microsoft's attempts to penetrate the service industries (MSN) should also become separate businesses.

The credibility of the DOJ is clearly in question when the majority of people in the industries effected by this decision believe that this settlement will have no noticable effect on how Microsoft does business.

Respectfully,

Christopher M. Caldwell